

**Lewis County Planning Commission
Lewis County Courthouse
351 NW North St.
Chehalis, WA 98532**

**April 27, 2010
Meeting Notes**

Planning Commissioners Present: Bill Russell, Jim Lowery, Mike Mahoney, Rachael Jennings, Richard Tausch, Arny Davis

Planning Commissioners Excused: Bob Guenther

County Commissioners Present: Ron Averill

Staff Present: Dianne Dorey, Glenn Carter, Phillip Rupp, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Revised Agenda
- Meeting Notes from January 12, 2010
- Memo from Phillip Rupp re: Open Space Tax Program applications
- Memo from Dianne Dorey: Recommendation of PBRs Committee
- PBRs Recommendations
- Qualifying Criteria and Scoring Sheet for Open Space Land
- Memo from Phillip Rupp re: Revisions to LCC 17.140, Open Space
- LCC Chapter 17.140: Open Space
- Staff Report from Phillip Rupp re: Revised WAC Rural Element
- Staff Report dated April 6, 2010 re: Rezone Requests Review Summary and Schedule
- Attachment 1: Groupings of Rezones
- Attachment 2: Density Criteria for variety of densities in rural areas
- Attachment 3: Factors listed in WAC 365.195.330

I. Call to Order

Chairman Jennings called the meeting to order and the Commissioners introduced themselves.

II. Old Business

Chairman Jennings entertained a motion to approve the meeting notes from January 12, 2010.

Commissioner Lowery stated page 1 states Commissioner Lowery seconded a motion to nominate Ms. Jennings as Chair. It should have read Commissioner Russell. The meetings notes were approved with the correction.

III. New Business

A. Open Space Tax Program

Ms. Dianne Dorey, Lewis County Assessor, briefed the Commission on the Open Space Open requirements for properties to qualify for the reduction in taxation. The Public Benefit Rating System (PBRs) meets once a year and makes recommendations to the Planning Commission. The applications before the Commission have been approved; those that were not approved have had letters stating such to the property owners.

Commissioner Mahoney referred to Application #1, Destination Packwood. He stated there is a very real public benefit to what Destination Packwood is doing and he was pleased to see that the reduction was approved.

Ms. Dorey stated a public hearing would need to be held before the Planning Commission. Commissioner Russell moved to hold a public hearing on May 11, 2010. The motion was seconded by Commissioner Lowery. The motion passed.

B. Revisions to LCC 17.140

Ms. Dorey stated an audit was conducted by the Department of Revenue on the County's current use programs: all open space, forest land, timberlands, etc. At the conclusion of the audit it was discovered that there was a restriction in LCC Code for the number of years a property owner could be in open space farm and agriculture conservation. It was more restrictive than state law, which legally the County cannot do. The ordinance was reviewed to make it comply with the current use laws under RCW 84.34. Besides taking away the ten-year restriction, other things were noticed. Once we got the audit ruling, we ceased putting on the ten-year restriction. The practice has stopped and now the Code must be made current with that practice.

Commissioner Mahoney wanted to confirm that if the land was put into the current use program and five years later someone decided it is viable for commercial farming, there is no restriction for them to go back into commercial farming (LCC 17.40.140).

Ms. Dorey stated that it is set up for people to be able to go into that program if they are too elderly to farm or for some reason they encounter financial hardship. The ten-year restriction was originally set up to keep people from never going back into farming. The intent by the legislature was to have those people return to farming and give them a reasonable length of time to either sell or transfer the property, etc. The point of the open space farm and conservation program is to get people to come back to commercial farming again.

Commissioner Mahoney stated the new language is to keep that land maintained in a farmable condition. Ms. Dorey stated that is correct, and it alleviates having to prove commercial income at that point.

Commissioner Lowery stated the language makes it sound like they could not do anything for ten years. Ms. Dorey stated the County cannot remove them during that ten-year period.

Commissioner Tausch stated the ability to transfer to other open space programs has been crossed out and asked Ms. Dorey to explain that.

Ms. Dorey stated you cannot transfer from Open Space Open Space. The only way out of that is to pay the removal amount. Once you are in Open Space Open Space, the land must be left in its natural state and the plan is in perpetuity. It is not meant to be a tax escape. If someone wanted to change that plan he must pay the removal and the back taxes. The land in its natural state would not qualify for timber or farm and agriculture. Once the land is in the condition to either farm or to grow commercial timber then someone can apply to go into those programs.

Ms. Dorey stated these programs are tax relief for farming or growing timber; they are not designed to shove the taxes onto someone else because you don't want to pay them.

Chairman Jennings asked why the timeframe was changed in 17.140.160 from thirty days to 10 business days. Ms. Dorey explained that the Code and the Ordinance were conflicting and this change makes them consistent.

The Chair asked if there were any other questions. There were none. Commissioner Russell moved to set the public hearing for Chapter 17.140 for May 11, 2010. Commissioner Tausch seconded. The motion carried.

C. Rezone Request Review Summary and Schedule

Mr. Rupp stated since the lifting of the moratorium and invalidity order, planning staff has been going through the rezone applications from 2000. There are three categories: those that had the same applicant as the original application; those where the property owners had changed and the applications were no longer valid; and those where there were a combination of property owners who had requested and signed applications and some of the adjoining properties had changed hands.

In order to determine the level of interest, about 100 postcards were sent out to the property owners asking them to let us know if they were still interested in pursuing the rezone request. The applications that were active were mapped. Attachment 1 shows how the applications will be reviewed and will help the Planning Commission understand the clustering. There are seven sub-areas identified and the Planning Commission will start with the northwest corner, work down along I-5.

Mr. Rupp stated staff would like to put this schedule on the website so property owners will know when to expect their parcel to be reviewed.

When the rezones were reviewed in the past, there was a check list and there were questions about how subjective the check list was; that it did not consider some of the nuances on the land. Information has been taken from the RCWs, the WAC, the policies and guidelines established in the Lewis County Comp Plan and the Lewis County Code and factors were identified to consider whether a particular piece of property met the objectives of the requested zone and why it did or did not meet those objectives. Staff will go through each case and compile a summary of what our considerations are. The maps will be on the computer and the Planning Commission can discuss each property. It is important to remember that these cases must consider the aggregate impact on the rural lands, such as how much RDD land we have, how much resource land we have, etc.

After the workshops, one public hearing will be held before the Planning Commission. There will most likely be a lot of discussion and given that we are compliant with the ARLs we will need to deal with that issue, also. Many of the requests will be to take land out of the ARL designation.

Mr. Rupp stated attachments to the staff report are materials that cover the considerations that we are required to address in reviewing the appropriateness of the requested change. Attachment 2 comes from the Comprehensive Plan and Attachment 3 is from the RCW 365.195.330. Mr. Rupp distributed a revised RCW.

Commissioner Russell stated these criteria are not the same as that used in the 2000 designation, so they are basically new applications.

Mr. Rupp stated according to the revised codes that we are required to meet, that is correct.

Commissioner Russell stated since that is the case we are no longer able to see where we erred in the original designation because the criteria today are different.

Mr. Rupp stated with the exception of the requirements for the agricultural resource land, a requirement is to determine if we erred in the identification of prime soils being on the properties.

In addition to the work as part of the annual amendments, there are several other projects that will become part of the annual comp plan amendment process. One of those is the adoption of a south county subarea plan. An element of that plan is the review of land use designations that would be appropriate for that area. When we get down to the south county subarea, which is Vader, Toledo and Winlock, we will need to review the applications in light of the corresponding activity that the south county planning is considering.

Another project is the request for an industrial park at Trans Alta. That will not affect this rezone process but it needs to be given some consideration as to how it fits into designating land for particular uses.

The Planning Commission will be receiving some revised Countywide Planning Policies that will be rolled into the comp plan.

Mr. Rupp asked if there was consensus with the schedule for the rezone schedule. It will be posted on the web site and sent to the appropriate public posting places.

Commissioner Lowery stated the RCW that Mr. Rupp distributed is 365.196.425 and asked if this is an addition to the other one. Mr. Rupp stated it is a replacement of 365.195.330.

Commissioner Mahoney stated he would not be able to attend the Planning Commission meeting on June 22. [Commissioner Davis will not be attending the May 11 meeting]. He noted the staff report has the incorrect meeting date in July. It should be the 13th rather than the 23rd.

Chairman Jennings stated she thought the schedule looked fine.

There was discussion about an accelerated schedule and the possibility of people not knowing their property is being reviewed. Mr. Rupp stated we would keep current meeting information on the website. Chairman Jennings stated the first meeting would indicate how quickly the Planning Commission would go through the applications and suggested leaving it as presented.

IV. Calendar

The next meeting will be on May 11: a public hearing on the Open Space Tax Program, and a public hearing on the revisions to LCC 17.140. It will also be the first workshop on the rezone requests.

V. Good of the Order

Commissioner Averill stated he has worked with the Planning Commission since 1993 and he deeply respects the difficult tasks that are put on the Commission at times. The Commission has done a terrific job and has made huge achievements during the past year. He wanted the Planning Commission to know that the Board of County Commissioners appreciates the work that each of the Planning Commissioners has done. Volunteers in the county have saved the County in excess of \$2 million of services.

As a small token of the BOCC's appreciation, Commissioner Averill presented each Planning Commissioner with a certificate of appreciation.

VI. Adjourn

As there was no other business before the Planning Commission, adjournment was at 7:41 P.M.